

REMARKS

Claims 1-8, 15-20 and 26-30 are pending. In the Office Action mailed on June 26, 2006 ("Office Action"), the Examiner rejected the claims as follows:

<u>Claims</u>	<u>35 U.S.C. §</u>	<u>Reference(s)</u>
2 and 15-20	101	
1, 2, 4, 8, 15-17 and 30	102(e)	U.S. Patent No. 7,023,989 to Turner et al. ("Turner")
5 and 18	103(a)	Turner
6, 7, 19, 20 and 28	103(a)	Turner and Handley et al., "RFC2543, SIP: Session Initiation Protocol" ("Handley")
26 and 27	103(a)	Turner and Rosenberg et al., "An XML Format for Presence Buddy Lists" ("Buddy")
29	103(a)	Turner, Handley, and Buddy
3	103(a)	Turner and Rosenberg et al., "SIP Extensions for Presence Authorization" ("Presence")

Applicants herein amend claims 1, 2, 4, 15, 26 and 30. Further examination and review in view of the amendments and remarks below are respectfully requested.

Applicants would like to thank the Examiner for the courtesy extended to Applicants' representative during the telephone interview of August 1, 2006. During that interview, the participants discussed Applicants' techniques, the Turner reference, elements of claim 1, and proposed amendments to the claims. Applicants gratefully acknowledge the Examiner's indication that the substitution of the word "devices" for the word "components" in the independent claims would tend to distinguish the pending claims from Turner.

The Examiner rejected claims 2 and 15-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Without conceding the propriety of this rejection, Applicants herein amend claim 2 to no longer recite "computer readable medium" and claim 15 to no longer recite "computer-readable medium," thus obviating this rejection. In particular, Applicants herein amend claims 2 and 15 to recite "computer storage medium." Claims 16-20 continue to depend from claim 15.

The Examiner has rejected claims 1-8, 15-20 and 26-30 under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) over Turner, either alone or in combination with one or more of Handley, Buddy, and Presence. Applicants respectfully disagree. Nevertheless, Applicants have amended the independent claims, as suggested by the Examiner, to make it clear that the server monitors the network conditions of network devices other than the client computer. For example, Applicants herein amend independent claims 1 and 15 to explicitly recite "monitoring the computer network to detect network conditions of network devices other than the client computer . . .," and independent claim 30 to explicitly recite "a means for monitoring conditions on the network to detect network conditions of network devices other than the client computer" Claims 2-8 continue to depend from claim 1, claims 16-20 continue to depend from claim 15, and claims 26-29 continue to depend from claim 30. Applicants also amend claims 4 and 15 to explicitly recite that "the database is distinct from the client computer."

The Examiner believes that Turner's application controller of the VoIP device monitoring for application-based commands for controlling the user interface of the VoIP device correspond to the recited server monitoring the network conditions of network devices other than the client computer. There are significant architectural differences, however, that are recited by the claims. For example, Turner's VoIP device itself monitors for the application-based commands for controlling its own user interface. This is in contrast to a server (which is distinct from the client computer) monitoring network devices other than the client computer. Moreover, by amending the claims, Applicants have made it particularly clear that network devices other than the client computer are being monitored

by the server. Turner, Handley, Buddy, and Presence neither teaches nor suggests a server monitoring the computer network to detect network conditions of network devices other than the client computer for a possible change in the configuration settings of the client computer. Applicants respectfully submit that claims 1-8, 15-20 and 26-30 are unarguably patentable over various combinations of Turner, Handley, Buddy, and Presence.

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-8, 15-20 and 26-30 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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Respectfully submitted,

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